

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

Waite, Schneider, Bayless &  
Chesley Co., LPA

Case No. 1:11CV851

Plaintiff,

v.

**ORDER**

Allen Davis,

Defendant

Carr, J.\*

The defendant in this case has filed a motion (Doc. 206) to stay implementation of my decision of July 16, 2015 (Doc. 205) granting the plaintiff's motion to unseal documents previously filed under seal in this case.

I deny the defendant's motion and direct the Clerk forthwith to unseal all documents previously filed under seal.

Defendant wants me to stay unsealing "to research whether any appellate options are immediately available." (Doc. 206 at 1). His principal concern is that my order unseals, *inter alia*, documents sealed in his divorce proceedings. According to the defendant, "[t]here are numerous Supreme Court cases on the issue of extension and domestic relations proceedings and issues, beginning with Barber v. Barber, 62 U.S. 582 (1859), which Congress has left untouched for well over a century." *Id.*

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\* Senior District Judge for the Northern District of Ohio, sitting by designation.

Whether that is so or not is, at this point, entirely immaterial. Whatever those decisions may be, the defendant did not cite them in his initial response to the plaintiff's motion to unseal (Doc. 187). More importantly, after concluding the defendant's initial response was insufficient, I, "[o]ut of an abundance of caution" (Doc. 198 at 14), *sua sponte* granted him leave to show cause why I should not grant the motion.

The defendant's response to that considerate opportunity was devoid of pertinent, much less authoritative, citation. (Doc. 201).

The present request to see whether there are such cases out there, especially after my own independent research, unguided as it was by the defendant's briefs, failed to find them, is simply too little, too late. I could have granted the motion on the basis of the inadequacies of the initial response; I did not. Given a second chance, the defendant failed to come forward with anything nearly sufficient to meet his burden of convincing me that legal grounds existed for me to continue to override the public's right of access.

In light of the foregoing, it is hereby

ORDERED THAT defendant's motion for an immediate stay (Doc. 206) be, and the same hereby is, denied.

The Clerk shall forthwith unseal all documents in this case previously filed and maintained under seal.

So ordered.

/s/ James G. Carr  
Sr. U.S. District Judge